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Attorney for Everardo Hernandez

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)
) No. 2:05-cr-0095-MCE
Plaintiff,)
) AMENDED
vs.) STIPULATION RE: CONTINUANCE OF
) HEARING ON STATUS CONFERENCE
EVERARDO HERNANDEZ,)
) DATE: February 27, 2007
) Time: 8:30 a.m.
) Hon. Morrison C. England
Defendant.)

It is hereby stipulated by and between the UNITED STATES OF AMERICA, by and through, Phillip Talbert, Assistant United States Attorney, GEORGE PAUL TREJO, JR., counsel for defendant Everardo Hernandez, that the hearing on Status Conference currently set for January 23, 2007, be vacated and reset for February 27, 2007 at 8:30 a.m.

The continuance of the status conference is necessary because the parties are engaged in continuing discussions concerning whether the case can be resolved without trial and the defendant's attorney needs time to review and to discuss with his client a proposed plea agreement that the government anticipates providing soon.

Accordingly, the parties jointly request a new status conference date and that the time period from January 23, 2007, to and including February 27, 2007 be excluded under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(8)(B)(iv) and Local Code T4 for defense preparation and

1 based on a finding by the Court that the ends of justice served by granting a continuance outweigh
2 the best interest of the public and defendant in a speedy trial.
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5 Dated this 22nd day of January, 2007.
6

7 McGregor W. Scott
8 United States Attorney

9 s/Phillip Talbert

10 PHILLIP TALBERT
11 Assistant United States Attorney

12 THE TREJO LAW FIRM


13 s/George Paul Trejo, Jr

14 GEORGE PAUL TREJO, JR.
15 Counsel for Everardo Hernandez

16 The court having reviewed the records and files herein and considered the
17 stipulation of the parties, IT IS HEREBY ORDERED:
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- 19 1. The stipulation for a continuance of status hearing is GRANTED. The status
20 hearing presently set for January 23, 2007 is hereby continued to February 27,
21 2007 at 8:30 a.m.

22 January 25, 2007

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24 MORRISON C. ENGLAND, JR.
25 UNITED STATES DISTRICT JUDGE
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